

**MCGUIREWOODS LLP**

David S. Reidy (SBN 225904)  
Anthony Q. Le (SBN 300660)  
ale@mcguirewoods.com  
Two Embarcadero Center, Suite 1300  
San Francisco, CA 94111  
Telephone: 415.844.9944  
Facsimile: 415.844.9922

Bethany G. Lukitsch (SBN 314376)  
blukitsch@mcguirewoods.com  
Wells Fargo Center – South Tower  
355 S. Grand Ave., Suite 4200  
Los Angeles, CA 90071-3103  
Telephone: 213.457.9875  
Facsimile: 213.457.9875

Diane Flannery (*Pro Hac Vice*)  
dflannery@mcguirewoods.com  
800 East Canal Street  
Richmond, Virginia 23219-3916  
Telephone: 804.775.1000  
Facsimile: 804.775.1061

Attorneys for Defendant Lumber Liquidators, Inc..

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANA GOLD, TAMMY EMERY, EDWIN  
MENDEZ, LAURA NORRIS, DONALD  
FURSMAN, and JOHN TRIANA, on behalf  
of themselves and all others similarly situated,

Plaintiffs,

vs.

LUMBER LIQUIDATORS, INC., a Delaware  
corporation; and DOES1 through 200,  
inclusive,

Defendants.

CASE NO. 3:14-cv-05373-RS

**DECLARATION OF BRYAN KELLEY IN  
SUPPORT OF SUPPLEMENTAL BRIEF  
IN SUPPORT OF PRELIMINARY  
APPROVAL OF CLASS SETTLEMENT**

The Honorable Richard Seeborg

Complaint Filed: December 8, 2014  
Fourth. Am. Compl. Filed: June 26, 2017

**DECLARATION OF BRYAN KELLEY**

I, Bryan Kelley, declare as follows:

1. I am over the age of eighteen and am fully competent to make this declaration. I am a Financial Planning and Analysis Manager at Lumber Liquidators, Inc. (“Lumber Liquidators”) with over 10 years of business analytics and data science experience. I respectfully submit this declaration in support of Plaintiffs and Lumber Liquidators’ Supplemental Brief in support of Preliminary Approval of Class Settlement.

2. The information contained in this declaration is based on my own personal knowledge and my review of and familiarity with Lumber Liquidators’ records maintained in the ordinary course of its business. Any and all documents and records referred to herein, or relied upon by me in preparing this declaration, are the business records of Lumber Liquidators and constitute writings made in the regular or ordinary course of business, at or near the time of the act, condition, or event to which they relate, by persons employed by Lumber Liquidators, and/or its predecessors and/or agents, who had a business duty to accurately and completely take, make, and maintain such records and documents.

3. The following statements are true and correct to the best of my knowledge, information and belief, based on such personal knowledge and/or review, and if called to testify regarding the matters addressed herein, I could and would competently do so.

4. Lumber Liquidators issues store credit to customers to resolve customer complaints about its flooring products, for a variety of circumstances.

5. I have reviewed Lumber Liquidators’ data related to the redemption rates of store credits issued to customers from January 1, 2017 through November 30, 2019 (“Time Period”). In this Time Period, the data set contains approximately 8,100 distinct customers who are issued store credits that predominantly range from \$100 to \$2,000.

6. During the Time Period, eighty percent (80%) of all store credits issued greater than \$100 were redeemed for a portion of or all of their value.

